

REMARKS

The Examiner has alleged that the claims on file are anticipated by both U.S. Patent No. 5,330,366 (Tsuji et al.) and U.S. Patent No. 6,174,190 (Tharp et al). Having regard to Tsuji et al, the Examiner equates item 12 of that reference with the tongue of the present application. Applicant respectfully disagrees with this assessment. According to page 4 of the application, "a tongue 32 projects from the bottom wall 30 of the mail connector 22. The tongue 32 has a relatively narrow end portion 34 and a relatively wide mounting portion 36." The tongue of Tsuji et al. does not conform to this configuration. Thus the "actuator" (c) of Tsuji et al. does not conform to the present claims. Item (c) of Tsuji et al. would not cooperate with the tongue as disclosed in the present invention.

Having regard to Tharp et al., again, Applicant disagrees in a similar manner. The claims require that the actuator be mounted such that the operative portion is adjacent to the tongue. The Examiner has defined item 16 of Tharp et al, as equivalent to the tongue of the present invention. Insofar as item 28 prevents item 16 of Tharp et al. from meeting the aforementioned definition of the tongue provided by the present invention, Applicant disagrees. Item 16 does not conform. However, the Examiner may assert that portions 21 and 24 of item 16 may constitute a tongue. In that case, Applicant asserts that the item 90, which the Examiner has equated with the operative portion according to the present claims, is not adjacent to the portion defined as the tongue. It is a requirement of the claims that the operative portion be adjacent the tongue.

Therefore, neither of these two references anticipate the present claims. Withdrawal of the rejection on the grounds of anticipation is respectfully requested.

It is noted that the Section 131 declaration filed on March 24, 2004 has been deemed defective on the grounds that the evidence for conception is insufficient and that the showing of due diligence is insufficient. Applicant, however, respectfully disagrees.

With regard to conception, there is no specific requirement as to how long the invention disclosure must be in relation to the specification. Rather, the issue is whether the applicant has shown possession of every feature recited in the claims and that every limitation of the claims was known to the inventor at the time of the alleged conception. See MPEP 2138.04. As argued in the previous reply, the pending claims are indeed supported by the original invention disclosure.

37 C.F.R. 1.131(b) provides the vehicles available for an applicant to establish prior invention of the claimed subject matter. In this case, the declaration shows conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference dates of the filing date of the application (constructive reduction of practice). Applicant submits that the filing of the U.K. application evidences a constructive reduction to practice. In particular, any acts relied upon must have been carried out in this country or in a NAFTA or WTO member country. See 35 U.S.C. §104. The acts relied upon here satisfy this requirement, including the filing of an application in the U.K. Further, the U.S. application was filed within the one year grace period as provided in 35 U.S.C. §119. Therefore, it should not be necessary to show due diligence from November 16, 1999 to November 16, 2000.

An additional issue relates to a showing of due diligence between June 16, 1999 and November 16, 1999, i.e., the period during which the original patent application was prepared. Reasonable diligence is all that is required of the patent attorney. See MPEP 2138.06.

Accordingly, the Section 131 declaration is not defective.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-11) are in condition for allowance.

Respectfully submitted,

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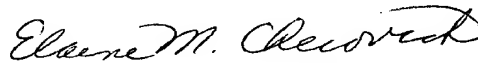
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